

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

FILED

JUL 19 2010

CLERK, U.S. DISTRICT COURT  
NORFOLK, VA

STEVEN WHISENANT,

Plaintiff,

v.

ACTION NO. 2:08cv149

DR. THOMPSON, M.D.,  
DR. KOLONGO, M.D.,  
MR. ABLASEAU, Nurse, and  
MS. E. MOORE, Nurse,

Defendants.

FINAL ORDER

Plaintiff, a former Virginia inmate, brought this pro se action pursuant to 42 U.S.C. § 1983 to redress an alleged violation of his constitutional rights.

By Order entered May 6, 2010, the court notified all interested parties that Plaintiff is Deceased. The court ordered Defendants to determine whether Plaintiff's estate had an executor or representative who might wish to pursue this action on Plaintiff's behalf. Counsel for Defendants contacted Plaintiff's mother. Plaintiff's mother informed counsel that there was no estate and no representative. Moreover, Plaintiff's mother indicated that she had no interest in maintaining this suit. On June 25, 2010, United States Magistrate Judge Tommy E. Miller issued a Report and Recommendation, recommending dismissal of this action without prejudice. The parties and Plaintiff's mother were

advised of their right to object. No objections have been filed. The court has reviewed the record and adopts the Report and Recommendation in its entirety. Accordingly, this action is DISMISSED without prejudice to the right of Plaintiff's successors or representative to resubmit this case.

The Clerk is DIRECTED to send a copy of this Final Order to counsel for Defendants, to Plaintiff's mother, and to Plaintiff's last known address on record with the court.

IT IS SO ORDERED.

/s/   
Rebecca Beach Smith  
United States District Judge

Norfolk, Virginia

July 19 , 2010